

****CONFIDENTIAL****

(Pursuant to Protective Order
entered on September 7, 2017)

IN THE WESTERN DISTRICT OF MISSOURI

Norman Brown, et al.,)
 Plaintiffs,)
 vs.) 2:17-cv-04082-NKL
)
Anne L. Precythe, et al.,)
 Defendants.)

Transcript of Audio-Recorded Parole Board Hearing

ELIZABETH M. GRAVITZ, CCR#881

APPEARANCES

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Participants designated as Highly Confidential per
protective order dated September 7, 2017. See Attached Key
Sheet.

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2 UNIDENTIFIED SPEAKER: I am on record,
3 Mr. [Panel Member One].

4 PANEL MEMBER ONE: Okay. And, so, ladies, I
5 am Mr. [Panel Member One]. I'm going to conduct the
6 majority of the hearing, okay? I have not met
7 you-all.

8 VICTIM SERVICE COORDINATOR: Do you have the
9 updated list?

10 PANEL MEMBER ONE: Huh? Yes. I have it
11 here.

12 VICTIM SERVICE COORDINATOR: Okay. I know
13 that I messed up. At one point you didn't have. I'm
14 good.

15 PANEL MEMBER ONE: So, Betsy?

16 VICTIM ADVOCATE: Yes.

17 PANEL MEMBER ONE: That's Betsy. And you're
18 Teresa?

19 PROSECUTING ATTORNEY: Teresa Kenny, yes.
20 Thanks.

21 PANEL MEMBER ONE: I have this. And so are
22 both of you going to speak?

23 PROSECUTING ATTORNEY: Yes. Betsy, she's
24 got a little statement on behalf of the victim.

25 PANEL MEMBER ONE: So you're advocate for

1 the victim, right?

2 VICTIM SERVICE COORDINATOR: Yes. She's
3 been delegated by the victim.

4 PANEL MEMBER ONE: Okay. Okay. So we'll
5 let you go first. You want to speak with him here or
6 without?

7 VICTIM ADVOCATE: Without.

8 PANEL MEMBER ONE: And, ma'am, do you want
9 to speak with him here or without?

10 PROSECUTING ATTORNEY: Without.

11 PANEL MEMBER ONE: Okay. and you want to
12 stay for his hearing, both of you?

13 PROSECUTING ATTORNEY: Yes.

14 (Inaudible conversation.)

15 UNIDENTIFIED SPEAKER: Kelly, I put you over
16 onto our guest.

17 PANEL MEMBER THREE: Okay.

18 UNIDENTIFIED SPEAKER: Always go the wrong
19 way.

20 PANEL MEMBER ONE: There we go.

21 UNIDENTIFIED SPEAKER: It's counter.

22 VICTIM SERVICE COORDINATOR: Good morning.

23 VICTIM ADVOCATE: Good morning.

24 PROSECUTING ATTORNEY: Good morning.

25 PANEL MEMBER ONE: As I said, I'm Mr. [Panel

1 Member One]. This is Mr. [Panel Member Two]. This is
2 Ms. [Panel Member Three] at the institution, okay, and
3 we're the parole panel.

4 And, Ms. [Parole Member Three], you did hear
5 who we had, right?

6 PANEL MEMBER THREE: Yes.

7 THE COURT: Okay. All right. So which one
8 of you like to go first? Okay. Okay. Just please
9 state your name since we're on record and then
10 (inaudible).

11 VICTIM ADVOCATE: Okay. Sorry. My name is
12 [Victim Advocate]. Marlys, [Victim]'s mom was just
13 here on December 20th to give her statement at
14 [Co-Defendant One] parole hearing. I am here for her
15 because she just could not emotionally do it again on
16 such a quick turnaround.

17 I got to know [Victim] through Marlys. She
18 would tell you that he was slow. He was what we
19 consider now as mentally challenged. [Victim] had a
20 big heart. He always wanted to help others and just
21 fit in. He was a big kid in an adult body. He just
22 wanted to be accepted.

23 This is exactly why he was targeted by
24 [Co-Defendant One], [Inmate], and [Co-Defendant Two].
25 They saw him as weak and could easily be controlled

1 and preyed upon.

2 Marlys told me that [Victim] loved school.
3 Not for -- not for just learning but socializing.
4 These three men groomed [Victim]. They groomed him
5 for months pretending to be his friends, only their
6 intention was to murder him.

7 [Inmate], along with the others, talked and
8 planned this horrific crime. There was even a time on
9 October 31st of 1987 where they were going to actually
10 follow through with their plan of murder, but Marlys
11 unknowingly intervened and took her kids to her mom's.

12 That still did not stop the urge to kill
13 because another month of planning to take [Victim]'s
14 life went by. [Victim] to them was an easy target.

15 As you will hear in Marly's video statement,
16 the dinner she cooked on the day of [Inmate]'s death
17 was his favorite food, only she didn't realize or know
18 that it would be his last meal.

19 Marlys in her video tells us [Inmate]'s last
20 three days of his life in a very factual way. As a
21 victim advocate, I know this is her way of dealing
22 with her son's death.

23 Based upon the horrific murder of [Victim],
24 I, along with his family and the community, ask that
25 [Inmate] not be released on parole.

1 PANEL MEMBER ONE: Thank you, ma'am.

2 (Inaudible conversation).

3 PROSECUTING ATTORNEY: Sharing them today.

4 My name is [Prosecuting Attorney]. I'm an assistant
5 prosecuting attorney in Jasper County.

6 I was in law school in 1987 when this crime
7 was committed, but I have reviewed the file in detail.
8 And I've spoken to two of the men who prosecuted this
9 case back in 1987, and both of them recall it as being
10 one of the worst cases in the history of Jasper
11 County.

12 It occurred in Carl Junction, which is the
13 town I live in now. Town of about 7500 people. And
14 you can ask anybody in town, and they all remember
15 this particular crime.

16 In December of 1987, [Victim] was 19 years
17 old. He lived with his mother, Marlys, and his
18 brother and two sisters. He was a senior at Carl
19 Junction High School. He was older, but a little bit
20 slower than his classmates. He'd been held back in
21 school, and he was desperate to fit in. He wanted to
22 belong.

23 And [Inmate], known as [Inmate or [Inmate],
24 was one of three classmates who pretended to befriend
25 [Victim] all the while planning his murder.

1 In October of 1987, [Inmate], [Co-Defendant
2 One], and [Co-Defendant Three] decided to kill
3 [Victim] because, at least according to [Inmate], they
4 wanted to know what it felt like to kill someone.

5 They chose [Victim] because they believed he
6 was inferior to them. There was also evidence in the
7 case that [Inmate], [Co-Defendant One], and
8 [Co-Defendant Two] were into Satanism. [Inmate]
9 denied this during the investigation and his trial;
10 however, he admitted to having killed cats on several
11 prior occasions. And there was also some testimony in
12 the case that they believed by killing a human being
13 they were going to obtain power.

14 The initial plan was to kill [Victim] on
15 Halloween, which also had some significance in this
16 cult that they were involved in, but [Victim]'s mother
17 would not let her son leave with them on that
18 particular night. So it was five weeks later on the
19 evening of December 6, 1987, that [Inmate],
20 [Co-Defendant One], and [Co-Defendant Two] executed
21 their plan.

22 Mr. [Inmate] supplied the baseball bats they
23 had previously decided they were going to use to beat
24 Mr. [Victim]. [Inmate] also supplied some rope that
25 they were going to use to bind Mr. [Victim] after they

1 beat him and -- before throwing his body into the
2 well. These were all details that they had worked out
3 weeks in advance of this particular evening.

4 It was a Sunday afternoon. [Inmate] drove
5 [Co-Defendant One] and [Co-Defendant Two] to Mr.
6 [Victim]'s home where they picked up [Victim] and they
7 drove to a wooded area not far from [Co-Defendant
8 One]'s home. [Inmate] picked up a stray cat that the
9 boys strung up to a tree and beat with these baseball
10 bats.

11 And when that finished, they then turned on
12 [Victim]. It was [Co-Defendant One] who took the
13 first swing striking [Victim] in the head. [Victim]
14 then turned to run, but the three chased him down. As
15 [Victim] turned to look over to look back at his
16 pursuers, he tripped and fell, and that's when the
17 three men descended upon him with the bats and beat
18 him senselessly.

19 They struck him again and again. [Inmate]
20 described that [Victim] had curled into a fetal
21 position. According to Mr. [Inmate], they struck him
22 more than 70 times with these baseball bats.

23 In the materials that I've provided for you
24 today, there is a DVD that Mr. [Inmate], during the
25 investigation of the crime, he participated in a video

1 walk-through. And he took the police officers back to
2 the scene of the crime, and he describes what happened
3 that night. It was on a VHS so I had it burned onto a
4 DVD. It's on the very back of your materials.

5 We've also -- there's a DVD from
6 Ms. [Victim], the boy's mother, she gave a videotaped
7 statement.

8 The quality of the video is not great given
9 the amount of time that's lapsed. The color's a
10 little off. But what I found most disturbing about it
11 is the lack of emotion from Mr. [Inmate] as he
12 describes for the police officers about this very
13 brutal killing. He just speaks about it very matter
14 of fact.

15 He points out to the officers where after
16 the beating -- he shows where they rolled the big
17 boulder and they took the rope and attached the
18 boulder to [Victim]'s hands and ankles before throwing
19 him into a well. And you can see on the video this
20 well where they dumped his body.

21 [Inmate] describes that he believed [Victim]
22 was still alive after the beating when they tied him
23 to the boulder and threw him into the well. He
24 describes how [Victim] was still moaning when he threw
25 him into the well.

1 They threw their bats into the woods, and,
2 again, Mr. [Inmate] shows the officers where they
3 pitched the bats. And the officers were actually able
4 to find the bats that still had [Victim]'s blood and
5 hair on the bats. One of the bats had been broken in
6 half.

7 And then they went to Mr. [Co-Defendant
8 One]'s home where they cleaned up. The three of them
9 agreed that when asked, they would tell -- tell
10 whoever asked that they had dropped [Victim] off at a
11 convenient store in Carl Junction at about 8 p.m.

12 They went to school the next day as if
13 nothing had happened. And on Monday, December 7, when
14 they were questioned by the police about [Victim]'s
15 disappearance, all three of them told the lie as they
16 had planned.

17 That same afternoon [Inmate], [Co-Defendant
18 One], and [Co-Defendant Two] returned to the scene of
19 the murder with bleach in an attempt to clean up the
20 blood. And [Inmate] describes how they had tried to
21 cover their tracks.

22 It was [Co-Defendant Two] who first
23 confessed to the police and took the police officers
24 to the well where they recovered [Victim]'s body. The
25 police had to use a grappling hook to pull Mr.

1 [Victim]'s body from the well.

2 [Inmate] later confessed, and he took the
3 police back out to the scene. And that's when they
4 located the bats and he described what they had done.

5 According to reports from the medical
6 examiner, [Victim] had been struck in the head more
7 than 20 times. He had suffered multiple skull
8 fractures producing cerebral contusions and massive
9 brain damage which resulted in his death.

10 He also suffered bruises to his arms, legs,
11 hands, shoulder, and chest. And in the materials I
12 provide for you, there's some pretty gruesome
13 photographs that show, depict these injuries.

14 On the night of this murder, [Inmate] and
15 his accomplices were intentionally sober so they could
16 fully appreciate what they were doing. They talk
17 about that, that it was important to them that they
18 were sober and could experience what they were doing.

19 In the video walk-through of the crime,
20 [Inmate] describes in great detail and void of any
21 emotion how he and his two accomplices viciously beat
22 [Victim] and dumped his body in the well.

23 This was not the impetuous act of a immature
24 17 year old. Rather, this was a brutal, premeditated
25 murder, planned and executed by three cold-blooded

1 killers who showed no remorse and absolutely no
2 respect for human life.

3 When considering whether Mr. [Inmate] should
4 be paroled, we must not ignore the reality that some
5 crimes are so inhumane, so deplorable, that justice
6 demands retribution. Anyone capable of inflicting the
7 kind of cruelty and brutality that [Inmate] inflicted
8 upon [Victim] must never be afforded the freedom of
9 doing it again.

10 It's for these reasons that the state
11 respectfully requests that Mr. [Inmate]'s application
12 for parole be denied.

13 PANEL MEMBER ONE: All right, ma'am. Thank
14 you.

15 Okay. I'm going to bring him in. And when
16 we bring him in, we'll change the camera. He won't be
17 able to see you-all, but we'll let him know that
18 there's victim's representation.

19 Hold on, Kelly.

20 PANEL MEMBER THREE: Okay.

21 PANEL MEMBER ONE: Make sure we got the --
22 oh, man.

23 PANEL MEMBER THREE: Having some technical
24 difficulties.

25 PANEL MEMBER ONE: Yeah, my finger. Always

1 want to go the wrong way.

2 Hey, Kelly.

3 PANEL MEMBER THREE: Yes.

4 PANEL MEMBER ONE: Would you view the camera
5 and make sure we're good, please?

6 PANEL MEMBER THREE: Yes. Looks good.

7 PANEL MEMBER TWO: I can see him.

8 PROSECUTING ATTORNEY: I'm good.

9 PANEL MEMBER ONE: You don't care if they
10 see you?

11 PROSECUTING ATTORNEY: I don't care.

12 PANEL MEMBER ONE: Why did I know that was
13 your answer before I asked the question?

14 You're good.

15 PANEL MEMBER TWO: Can I see the packet,
16 please?

17 PANEL MEMBER ONE: Packet?

18 PANEL MEMBER TWO: Yes, sir. Thank you,
19 sir.

20 PANEL MEMBER THREE: Are we ready?

21 PANEL MEMBER ONE: Yes, ma'am.

22 PANEL MEMBER THREE: Sorry. We're ready.

23 Let's see. Mr. [Inmate]. Okay. All right.

24 And he has a delegate, his sister.

25 PANEL MEMBER ONE: Oh, he does.

1 PANEL MEMBER TWO: Thank you.

2 (Inaudible conversation.)

3 PANEL MEMBER ONE: Good morning, sir.

4 INMATE: Morning.

5 PANEL MEMBER ONE: Can you see and hear me
6 okay?

7 INMATE: Yes.

8 PANEL MEMBER ONE: Okay. For the record,
9 would you state your name, your DOC number for me?

10 INMATE: [Inmate], 165253.

11 PANEL MEMBER ONE: Thank you, Mr. [Inmate].
12 Mr. [Inmate], I'm Mr. [Panel Member One]. I'll be
13 conducting the majority of your hearing, okay?

14 INMATE: Okay.

15 PANEL MEMBER ONE: Across from you there is
16 Ms. [Parole Member Three].

17 PANEL MEMBER THREE: Good morning.

18 INMATE: Good morning.

19 PANEL MEMBER ONE: And sitting next to me is
20 Mr. [Panel Member Two].

21 PANEL MEMBER TWO: Hello.

22 INMATE: Hello.

23 PANEL MEMBER ONE: And we are -- we are your
24 parole panel. You are aware it's your parole hearing,
25 right?

1 INMATE: Yes.

2 PANEL MEMBER ONE: Okay. I see you have a
3 guest. Who is your guest today?

4 INMATE: This is my sister [Delegate].
5 [Delegate].

6 PANEL MEMBER ONE: Okay. Thank you for
7 coming, Ms. [Delegate]. How are you today?

8 DELEGATE: I'm doing fine. Thank you.

9 PANEL MEMBER ONE: Okay. Have you been to a
10 parole hearing before?

11 DELEGATE: No, sir.

12 PANEL MEMBER ONE: Okay. Here's how it's
13 going to work. I'm going to interview your brother,
14 and I ask you not to take part in that. Ask you not
15 to say anything, interrupt me, or react to anything he
16 has to say.

17 But I will give you an opportunity when
18 we're finished to speak on his behalf. But really
19 what I need to know from you is what kind of support
20 you have for him upon release, okay?

21 DELEGATE: Okay.

22 PANEL MEMBER ONE: You are his home plan; is
23 that correct?

24 DELEGATE: That's correct.

25 PANEL MEMBER ONE: Okay. All right. So

1 just sit back and relax, and we'll get to you in a few
2 minutes, okay?

3 DELEGATE: Okay.

4 PANEL MEMBER ONE: All right. Mr. [Inmate],
5 I want you to know that there is representation of
6 your victim in the room, okay?

7 INMATE: Okay.

8 PANEL MEMBER ONE: All right. You're
9 serving a life without parole sentence, is that
10 correct, for murder first degree?

11 INMATE: Yes.

12 PANEL MEMBER ONE: Okay. This was a trial,
13 and you were convicted by a jury of your peers; is
14 that correct?

15 INMATE: Yes.

16 PANEL MEMBER ONE: And did you -- are you
17 guilty of this crime, sir?

18 INMATE: Yes, I am.

19 PANEL MEMBER ONE: How come you took it to
20 trial?

21 INMATE: We pleaded not guilty due to mental
22 disease or defect.

23 PANEL MEMBER ONE: Okay. And can I ask why
24 that was?

25 INMATE: We -- I was interviewed by a

1 personal psychiatrist and said that I had -- I had a
2 disorder. It was -- it was this induced psychosis
3 paranoia what he said. That was the mental disease or
4 defect.

5 PANEL MEMBER ONE: Okay. Did he tell you
6 what brought that on?

7 INMATE: It was -- the induced psychosis was
8 my belief in Satanism at the time. And the paranoia
9 was the repeated drug use.

10 PANEL MEMBER ONE: Okay. So you were a drug
11 abuser. What was your drug of choice?

12 INMATE: Marijuana.

13 PANEL MEMBER ONE: Marijuana. Okay. Can
14 you take me back? This is the first time I've
15 encountered this case, believe it or not. And this
16 involves the murder of a Victim]; is that correct?

17 INMATE: Yes.

18 PANEL MEMBER ONE: And he was a classmate of
19 yours?

20 INMATE: Yes.

21 PANEL MEMBER ONE: Okay. Tell me about what
22 happened here. How did this come about?

23 INMATE: It all started when I pretty much
24 befriended [Co-Defendant One]. He was one of my fall
25 partners.

1 PANEL MEMBER ONE: Okay.

2 INMATE: And I -- he was often delved around
3 to Satanism. And once I befriended him and was
4 exposed to it, then I fell off into it myself, got off
5 into killing animals. And it more or less, it
6 desensitized me to just the feelings of -- for other
7 things, and it ended up in a crime.

8 PANEL MEMBER ONE: And so was -- was his
9 name [Co-Defendant One]?

10 INMATE: Yes.

11 PANEL MEMBER ONE: Did he go to school with
12 you also?

13 INMATE: Yes. There are two other guys on
14 the crime with me, and we all went to the same high
15 school.

16 PANEL MEMBER ONE: Okay. Were you all under
17 17?

18 INMATE: We were all 17, yes.

19 PANEL MEMBER ONE: You were all 17. Okay.
20 And this crime happened 29 years ago?

21 INMATE: Yes.

22 PANEL MEMBER ONE: Okay. What did you all
23 do to Mr. [Victim]?

24 INMATE: We beat him to death with a
25 baseball -- with baseball bats.

1 PANEL MEMBER ONE: You beat him to death
2 with baseball bats. Tell me about that.

3 INMATE: It was -- it was a Sunday.
4 [Co-Defendant One] called [Victim] and said that we
5 wanted to go out to a place that was called farmer's
6 chemicals. It was kind of a secluded area.

7 And he said that we were going to take a cat
8 out there, and we were going to -- we were going to
9 kill the cat. We had actually done this before with
10 [Victim] before.

11 And so we -- [Co-Defendant One] and
12 [Co-Defendant Two], we go over to [Victim]'s house,
13 and we picked him up. And we -- you kind of had to
14 walk a ways out there to where we were at. And we
15 took turns. We killed the cat. We all took turns
16 hitting the cat till the cat was dead.

17 And we were -- stayed around, and we all --
18 we all started to get high. We were like in a little
19 circle here.

20 PANEL MEMBER ONE: So you were smoking
21 marijuana at that time?

22 INMATE: Yes. Yes, we were in the process
23 of it. And I remember looking down, I seen some
24 motion, and I looked up. And [Co-Defendant One] had
25 hit [Victim].

1 His eyes got real big, and he says, Oh,
2 shit. I guess -- you know, I guess he seen that
3 maybe -- you know, he seen that we were going to harm
4 him, so he turned around and he just started to run.

5 So all three of us ran after him. And there
6 was -- there was some type of utility rope that they
7 had. And as soon as he ran a ways down this utility
8 road, then he turned around, and he started asking,
9 Why, guys? Why me?

10 You know, like I guess he was surprised. He
11 looked like maybe even his feelings was hurt because,
12 you know, it was a bad situation. And [Co-Defendant
13 Two] says, Because it's fun.

14 And he was walking backwards, and he fell.
15 And we all swooped in on him, and we started beating
16 on him. I, myself, I -- for lack of a better word, I
17 kind of flipped out, and I hit him quite a bit. And I
18 broke the bat that I had. [Victim] had a bat as well.
19 Of course, he didn't have it at the time. I grabbed
20 it, hit him several more times.

21 And [Co-Defendant One] and [Victim] [sic]
22 also started hitting him until the point where he
23 just -- we figured he was dead. And I don't know who
24 it was, if it was [Co-Defendant One] or [Co-Defendant
25 Two], they went and got a rock. And two of us -- like

1 I said, I don't remember who -- who was the -- who
2 helped me drag him back towards the cistern. We drug
3 him back to a cistern. I believe it was [Co-Defendant
4 One] that tied the rock around him to put the body in
5 the cistern.

6 By that time it was getting pretty dark, so
7 we went back to [Co-Defendant One]'s house. His house
8 was pretty close in relation to this farmer's
9 chemical, and, you know, we were, like -- we got high
10 again.

11 We were, like what do -- what are we going
12 to say to his mom, you know? She's going to ask --
13 you know, he's not coming home.

14 So we said, well, just say that we dropped
15 him off at the gas station, and that's -- the next day
16 at school, we come into school, and we were -- all of
17 us separately were called into the principal's office,
18 and an investigator was there.

19 And they were asking if we knew -- we were
20 the last ones seen with him. Where he was at? That's
21 what we said. We told him we dropped him off by the
22 gas station. And they said, okay. They let us go.

23 It was the next day after that, I believe it
24 was [Co-Defendant Two] that was the first one that was
25 arrested and admitted to it, but I don't think he said

1 anything, mentioned me or [Co-Defendant One]'s name.

2 But, of course, by then they -- it was that
3 next morning they came arrested us. I was in the
4 class (inaudible). I was up on a roof, and they told
5 me to come down, and they arrested me.

6 PANEL MEMBER ONE: So how long had you guys
7 planned to murder this young man?

8 INMATE: Actually, we had talked about it
9 that summer as far as -- not so much this specific
10 person, just that we were already involved in doing
11 these animal killings and stuff, you know, what would
12 it be like to kill somebody.

13 And it never really -- I never felt it was
14 necessarily something that was going to happen, but
15 the first time there was actually plans supposed to
16 have been on Halloween.

17 Being that I was the biggest of all three of
18 us, it was explained that I was supposed to initiate
19 it, and I didn't. I just, I didn't do it. I couldn't
20 do it. For whatever reason at the time, I didn't do
21 it.

22 And this whole thing, this particular
23 instance wasn't planned, per se. Like, it was more or
24 less [Co-Defendant One] called me that day and said
25 that, hey, he already got ahold of [Victim] and told

1 him we were going to take him up and this is what we
2 were going to do.

3 And it was -- like I said, it wasn't
4 necessarily something I expected at the end of the day
5 to happen, but it did. And I followed through with
6 it. I can't -- you know, it didn't have to happen.
7 You know, I take responsibility for what I did.

8 PANEL MEMBER ONE: So you got involved in
9 this through -- you say through Satanism?

10 INMATE: Yes.

11 PANEL MEMBER ONE: And [Co-Defendant One]
12 was the guy -- [Co-Defendant One] was the guy that was
13 involved in it first?

14 INMATE: Yes. Yes. Upon meeting him, yes.

15 PANEL MEMBER ONE: Pardon?

16 INMATE: He was -- he was already involved
17 into it upon when I befriended him. He was already
18 dabbling around in this and -- yes.

19 PANEL MEMBER ONE: Okay. And so what was
20 the significance of you-all's -- when you killed
21 animals? What was that supposed to mean?

22 INMATE: Well, just basically getting
23 rewards from the devil is the belief that you do bad,
24 you do evil things, you get money, you get drugs for
25 it.

1 PANEL MEMBER ONE: So you just -- you
2 weren't just killing animals to kill animals. You
3 were -- were you just killing something to kill
4 something?

5 INMATE: I guess sometimes. There wasn't a
6 lot of rationale behind it to be honest. I don't --

7 PANEL MEMBER ONE: Right. Because if you're
8 involved in Satanism, the killing of anything was a
9 sacrifice. It wasn't just to kill to be killed.
10 There was some rationale. However mundane and morbid
11 it might be, there was some rationale about taking the
12 life of whatever it is. Did you guys --

13 INMATE: Right.

14 PANEL MEMBER ONE: Were you guys into it
15 like that, or you just was doing it for the thrill?

16 INMATE: I would imagine it was a
17 combination of both. There was, I guess, the thrill
18 of it, of the group thing. That was the main thing.

19 And it's not to put off anything on
20 Mr. [Co-Defendant One], but before I met him, I would
21 have never done anything like that. And when I seen
22 that he was already into this stuff and how much he
23 liked it and stuff, and me wanting to be friends with
24 him and everything -- and I'm not going to say he
25 wouldn't have been my friend if I didn't do it. But

1 it seemed like more so getting involved with that
2 pleased him.

3 And I -- you know, it was -- it was a toxic
4 relationship like that. I'm sure he probably fed off
5 me as well. It was like a sick, unique bond that I
6 had with him.

7 PANEL MEMBER ONE: What was the --

8 INMATE: That I didn't have with anybody
9 else in the world. It's a bad thing, I know.

10 PANEL MEMBER ONE: What was the attraction
11 to him for you, just the Satanism, or why was it that
12 (inaudible) him to be his friend?

13 INMATE: He was a charismatic guy. He
14 was -- you know, he was, I would say pretty well
15 liked. He was the class -- the student president of
16 our class body in high school, and he was a stoner,
17 you know. It wasn't -- you know, he had charisma
18 about him and stuff. I liked him. So he was somebody
19 whose acceptance that I liked.

20 PANEL MEMBER ONE: Were you a stoner at that
21 time, too?

22 INMATE: Yes. Full fledged.

23 PANEL MEMBER ONE: So you saw he was a
24 stoner and he was still the class president, so that
25 made him pretty cool, huh?

1 INMATE: Sure. I mean --

2 PANEL MEMBER ONE: I get it. Okay. And so
3 you all lured [Victim] there with the intentions of
4 killing [Victim]. Why did you pick [Victim]?

5 INMATE: I didn't -- I didn't pick [Victim].
6 It was -- you know, this is something that
7 [Co-Defendant One], for whatever reason picked.

8 PANEL MEMBER ONE: But why did -- why
9 [Victim]? Hadn't [Victim] been hanging out with you
10 guys a little bit?

11 INMATE: Yeah. He'd hung out with us
12 before.

13 PANEL MEMBER ONE: So why -- why would you
14 want to kill somebody that you hang out with? Why
15 wouldn't you -- why wouldn't that be put on somebody
16 that you didn't know, wouldn't have any ties to? Why
17 would you kill somebody that you was hanging out with?

18 INMATE: I don't have honest rationale
19 behind this. In all -- and the whole thing is
20 somewhat surreal. Even when it happened, it was just
21 like I didn't necessarily think that it was going to
22 happen until it did, you know. That's why I'm saying,
23 that's why I say there's not a -- there was not a
24 whole lot of rationale behind it.

25 If Mr. [Co-Defendant One] doesn't swing the

1 bat, the murder doesn't happen. And I'm not saying
2 that excludes me from what I did. I didn't have to
3 follow through with this.

4 PANEL MEMBER ONE: I don't look at it as
5 that way. I just look at it as we're having
6 conversation here.

7 So, now, [Victim] himself, he was what today
8 we'd say mentally challenged a little bit; isn't that
9 correct?

10 INMATE: I never seen him as that way. We
11 had -- there was the special needs kids there at
12 school. I never viewed him as the same as those as
13 far as different.

14 He was definitely a little bit socially
15 awkward or whatever. I knew he had been held back in
16 class, but as far as, like the terms in which you
17 described him, I never -- I never viewed him as that.

18 PANEL MEMBER THREE: Charlie, can I
19 intercede for a little bit? Can you adjust your
20 camera just a little bit away from the victims?

21 PANEL MEMBER TWO: Sure.

22 PANEL MEMBER THREE: Thank you.

23 PANEL MEMBER TWO: How about this.

24 PANEL MEMBER THREE: There you go. Thank
25 you.

1 PANEL MEMBER TWO: Finally did it right.

2 PANEL MEMBER ONE: Okay. So you didn't see
3 him as an easy target or anything like that because he
4 was a little slower than the rest of you?

5 INMATE: No. Not necessarily. I mean, that
6 was -- that would be something that I just be a
7 question to ask to [Co-Defendant One]. I didn't -- I
8 didn't make that -- I wasn't making that decision.

9 PANEL MEMBER ONE: But you were following
10 [Co-Defendant One], and you knew [Co-Defendant One]
11 was making that decision. You never did question why
12 are we picking on [Victim], a guy who's hanging out
13 with us?

14 INMATE: No.

15 PANEL MEMBER ONE: You just went along with
16 killing somebody without question then?

17 INMATE: As unrational as it sounds, yes.

18 PANEL MEMBER ONE: Okay. Wow. And so you
19 guys beat him to death, and was he -- were you sure he
20 was dead when you threw him in the well?

21 INMATE: No. I wasn't -- I wasn't
22 completely sure.

23 PANEL MEMBER ONE: So it's possible that you
24 threw him in the well and he died in the well?

25 INMATE: It's possible.

1 PANEL MEMBER ONE: Okay. And then you
2 decided to cover it up by saying that you dropped him
3 off --

4 INMATE: Yes.

5 PANEL MEMBER ONE: -- at the gas station?
6 So there was [Co-Defendant One], [Co-Defendant Two],
7 and yourself; is that right?

8 INMATE: Yes.

9 PANEL MEMBER ONE: Okay. And you say you
10 were under the influence of marijuana at the time?

11 INMATE: Yes.

12 PANEL MEMBER ONE: You guys were smoking.
13 Does [Victim] smoke with you?

14 INMATE: Yes.

15 PANEL MEMBER ONE: Does [Victim] smoke with
16 you all the other times that he was with you also?

17 INMATE: Yeah. Previously, yes.

18 PANEL MEMBER ONE: How many times would you
19 say that you all hung out with [Victim]?

20 INMATE: I really couldn't say. I don't --

21 PANEL MEMBER ONE: A lot or just once or
22 twice or --

23 INMATE: Oh, it's definitely more than once
24 or twice, but at the same time I wouldn't say a lot,
25 you know. It was here and there. You know, he was --

1 we seen him at parties at times. There was times I
2 guess we drove around with him and got high or did
3 whatever.

4 PANEL MEMBER ONE: What did he say about --
5 did he ever have any apprehension about your Satanism?

6 INMATE: [Victim]?

7 PANEL MEMBER ONE: Yeah.

8 INMATE: Not that I know of, no.

9 PANEL MEMBER ONE: Did he know you guys were
10 into Satanism?

11 INMATE: Sure. Sure.

12 PANEL MEMBER ONE: He did. And so I'm going
13 on the assumption of him being slow, a little bit
14 slower than you all. So what was his reaction to
15 killing, the killing of animals?

16 INMATE: His reaction?

17 PANEL MEMBER ONE: Yes.

18 INMATE: I guess it was just --

19 PANEL MEMBER ONE: Was he just like the rest
20 of you, just thought it was cool to kill the cat and
21 kill the dog and whatever?

22 INMATE: Yeah. I would say so.

23 PANEL MEMBER ONE: Would you say he was just
24 trying to fill -- fit in? He didn't travel with you
25 in your inner circle all the time, right?

1 INMATE: No. Would I say he was just trying
2 to fit in?

3 PANEL MEMBER ONE: Yeah. You think that's
4 what it was?

5 INMATE: I mean, it's possible. I mean, I
6 didn't -- I never -- I never really talked to him
7 about it, about those kind of things, you know. We
8 took it for what it was and, you know, we did what we
9 did, and that was it. There wasn't, you know, a talk
10 about it. I wasn't -- never thought about it at the
11 time.

12 PANEL MEMBER ONE: So you guys -- so when
13 you all hung out together on the different parties or
14 whatever, after [Victim] left your group, you guys
15 didn't talk about [Victim] in a negative way or
16 anything like that? Like you don't know why he's
17 trying to hang out with you or be your friend or
18 anything like that?

19 INMATE: No. I never did.

20 PANEL MEMBER ONE: Do you know if the other
21 guys did? Did they ever make comments about [Victim]?

22 INMATE: I have to really think on that.
23 You know, I'm not going to say they didn't, but it's
24 nothing I can sit here and specifically tell you,
25 yeah, they did. I don't recall that.

1 PANEL MEMBER ONE: Okay.

2 INMATE: I mean, I -- I liked him. I
3 thought he was -- you know, I know that doesn't sound
4 right. You know, I sit right next to him, the table,
5 our senior year. Some time we had both flunked
6 English. In the process the school was expanding or
7 whatever, so we didn't have rooms or stuff. So me and
8 him actually sit together at a table. And I didn't --
9 it's horrible to say I didn't dislike the guy. You
10 know, he wasn't a bad guy. I didn't think he was a
11 bad guy.

12 PANEL MEMBER ONE: Okay. All right. You
13 know, listening to what you're saying and everything,
14 I mean, it sounds sensible, but it's just hard to
15 grasp that you could feel the way you do or way you're
16 saying you do, and then you can just cold-bloodily
17 beat a guy to death with a baseball bat. The same
18 guy.

19 INMATE: I agree. I agree with you. It
20 does. It's a -- I have a hard time understanding it
21 myself as the person that I am right now.

22 PANEL MEMBER ONE: Okay. How old are you
23 now?

24 INMATE: I'm 46.

25 PANEL MEMBER ONE: 46. You've done about

1 20 -- almost 29 years, right?

2 INMATE: Yeah. I was locked up December 8,
3 '87.

4 PANEL MEMBER ONE: Okay. So what have you
5 been doing since you've been in prison?

6 INMATE: Well, mostly just working. Keep in
7 contact with my family. Trying to maintain my health.

8 PANEL MEMBER ONE: What have you thought
9 about this crime?

10 INMATE: I'm ashamed of it. I mean...

11 PANEL MEMBER ONE: Fifteen years ago was the
12 last time you had a conduct violation?

13 INMATE: Yes.

14 PANEL MEMBER ONE: What happened?

15 INMATE: I don't remember what my last
16 violation was.

17 PANEL MEMBER ONE: No. What happened on how
18 come you haven't had violation for 15 years?

19 INMATE: Because I follow the rules. I
20 work. I stay out of trouble. I choose to hang around
21 with people with like-minded interest.

22 PANEL MEMBER ONE: That's what you do now.
23 What happened before?

24 PANEL MEMBER THREE: What made you change?

25 PANEL MEMBER ONE: That's not the way it was

1 before that. So what happened to make you decide that
2 you didn't want to be -- end up with conduct
3 violations? I mean, you weren't going to go home.
4 You had no chance for parole at that time, 15 years
5 ago. What made you change?

6 INMATE: I think it just, it was just a
7 gradual. There was nothing where it was like a
8 specific moment to where it was more of a gradual
9 process of maturity.

10 Lot of it has to do with my family. Keep in
11 contact with my family. I don't like to have to call
12 home, tell them the bad news of what I'm doing in
13 here.

14 PANEL MEMBER ONE: When you first went in,
15 you did a lot of still smoking marijuana and that,
16 correct?

17 INMATE: Yes.

18 PANEL MEMBER ONE: You got out of that.
19 Your last -- last conduct violation was a fight?

20 INMATE: Yeah.

21 PANEL MEMBER ONE: That was 2001.

22 INMATE: Okay.

23 PANEL MEMBER ONE: I was just curious on how
24 you came in at such a young age, you was a knucklehead
25 for a little bit, then all of a sudden, boom, nothing.

1 That's a good thing from my standpoint, actually. I'm
2 just curious on where your mind is. How you got to
3 that point.

4 INMATE: How I got to this point?

5 PANEL MEMBER ONE: How you got to that point
6 where you just quit being a knucklehead. You're still
7 locked up. At that time --

8 INMATE: Living my life.

9 PANEL MEMBER ONE: The time you quit, you
10 had no -- no opportunity to even have a parole
11 hearing, let alone be released.

12 INMATE: I'm still living my life. I feel
13 like my life's still worth something even if I have to
14 do the rest of my life in here.

15 PANEL MEMBER ONE: Okay.

16 INMATE: You know, there's good things in
17 life. Like I said, it's -- you know, sometimes I live
18 through my family. I call them, what are you doing?
19 You know, what your experience? What are you
20 experiencing in life, you know, and I feel like I'm
21 kind of experiencing it myself, you know. Life's --
22 life, even in here, it can be good at times.

23 PANEL MEMBER ONE: Okay. All right. You
24 graduated from high school?

25 INMATE: No. I got my GED.

1 PANEL MEMBER ONE: Where did you get it at?

2 INMATE: At Potosi.

3 PANEL MEMBER ONE: Potosi. Okay. Have you
4 done any other programs?

5 INMATE: I've done ICVC, the victim's
6 impact. I've done a drug abuse program, Pathways to
7 Change. There was a couple that I did down at work at
8 the Missouri Vocational Enterprises. It was one on
9 computers, which is pretty much outdated. And another
10 one was a pretty good one on employment skills, job
11 interviews and stuff like that. It was a good one.

12 PANEL MEMBER ONE: Okay. Have you -- have
13 you signed up for anger management?

14 INMATE: No.

15 PANEL MEMBER ONE: Be a good one for you to
16 sign up. Had to be some anger somewhere to beat
17 somebody to death. Wouldn't you say?

18 INMATE: Yes.

19 PANEL MEMBER ONE: Physical health is pretty
20 good?

21 INMATE: Great. Yes. I take pride in my
22 health.

23 PANEL MEMBER ONE: How about your mental
24 health now?

25 INMATE: It's good.

1 PANEL MEMBER ONE: You stable?

2 INMATE: I just -- say what?

3 PANEL MEMBER ONE: You're stable?

4 INMATE: Yes.

5 PANEL MEMBER ONE: Have you ever taken meds
6 for any mental health?

7 INMATE: No.

8 PANEL MEMBER ONE: Interesting. And your
9 home plan's with your sister?

10 INMATE: Yes.

11 PANEL MEMBER ONE: And where's your sister
12 live at?

13 INMATE: About two miles on the outskirts of
14 Joplin.

15 PANEL MEMBER ONE: Okay. And who all's
16 going to be living there beside you and your sister?

17 INMATE: I have a brother-in-law, a niece,
18 and a nephew.

19 PANEL MEMBER ONE: Okay. How old are the
20 niece and nephew?

21 INMATE: Niece just turned 16, and my nephew
22 is 26, I believe.

23 PANEL MEMBER ONE: Okay. All right. You're
24 going to need to find a job when you are released.
25 You know any job skills while you're incarcerated?

1 INMATE: Yeah. I used to work at the
2 furniture factory (inaudible) factory at the old
3 Jefferson City.

4 PANEL MEMBER ONE: Okay.

5 INMATE: I worked in food service. I've
6 been a cook before. I'm currently a porter at the
7 Missouri CCC.

8 PANEL MEMBER ONE: So you think you'll have
9 a hard time finding a job?

10 INMATE: No. I don't think so. I think I'm
11 very employable.

12 PANEL MEMBER ONE: Okay. All right. Life
13 on the outside is very unforgiving, so you can't get
14 discouraged if you don't find a job within two days of
15 (inaudible), okay. I'm sure your sister will let you
16 know how that all works being your support system,
17 okay?

18 INMATE: Okay.

19 PANEL MEMBER ONE: You'll have conditions of
20 no drinking, a substance abuse program, no contact
21 with the victim's family, and anger management, as I
22 said before, okay?

23 INMATE: Okay.

24 PANEL MEMBER ONE: Before I finish up here,
25 I'll see if my colleagues have anything to say.

1 Ms. [Panel Member Three]?

2 PANEL MEMBER THREE: I do not.

3 PANEL MEMBER ONE: Mr. Baker?

4 PANEL MEMBER TWO: Mr. [Inmate], just so
5 that I'm clear, the day the victim was killed, you and
6 your friends did or did not intend to kill him that
7 day? It was planned, right?

8 INMATE: Like I said, it wasn't -- I was
9 just going to go along with whatever happened. He
10 called me and told me, and that's what we were going
11 to do. Yes, that's what he said. That's what
12 [Co-Defendant One] said, and I followed through with
13 it.

14 PANEL MEMBER TWO: I understand that. I
15 just wanted to make sure. At one point in the
16 interview it seemed to me that you said that it was
17 uncertain, and it was not until Mr. [Co-Defendant One]
18 hit him that things started to transpire. But this
19 was all preconceived plan. Everyone had a bat,
20 including the victim, because you're going to beat on
21 cats. You lured him in.

22 INMATE: Yes.

23 PANEL MEMBER TWO: This is a bad, bad, bad
24 crime. Someone, a friend of yours, a human being,
25 trusted you, and that was his worst mistake.

1 I want to give you credit for how you're
2 approaching incarceration. Appreciate that.

3 INMATE: Thank you.

4 PANEL MEMBER TWO: This crime's a bad crime.
5 What if it was you, Mr. [Inmate]? What if it was you
6 that day instead of the victim? How would you feel if
7 you were asking, Why me?

8 INMATE: Horrible. Betrayed.

9 PANEL MEMBER TWO: But that didn't slow any
10 of you down. It made you like sharks with blood.

11 I don't have anything further, Mr. [Panel
12 Member One].

13 PANEL MEMBER ONE: All right.

14 Ms. [Delegate], what would you like to say
15 today?

16 DELEGATE: Can I say anything in regards to
17 the whole case or --

18 PANEL MEMBER ONE: We're not going to retry
19 the case. I just want to know what kind of support
20 you have for him, okay?

21 DELEGATE: Okay. Okay. Well, I have been
22 married for 31 years --

23 PANEL MEMBER ONE: Okay.

24 DELEGATE: -- to the same man. The place
25 that we live right now we have lived there for 15

1 years. Been employed for 17 years at the same place.

2 I have three children. They're all good children.

3 One of them is still underage.

4 PANEL MEMBER ONE: Okay.

5 DELEGATE: We possibly anticipate that if he
6 was released, my daughter might not be in the home.

7 She might be, you know, aged out and have moved on
8 herself. I don't see anything changing in my life
9 that I could not assist my brother.

10 We've always have hoped for this day, even
11 though we didn't see it at the time. So I've always
12 felt in my heart this would be something that if I had
13 an opportunity to do for him, I wanted to do for him.

14 PANEL MEMBER ONE: Okay.

15 DELEGATE: And we've already reached out to
16 some people in the community to figure out how to help
17 him to get employed. I think that I'm a very sociable
18 person as far as being able to help him find
19 connections to be successful, and I just really hope
20 that he has the opportunity to give back.

21 PANEL MEMBER ONE: Okay. Well, thank you.
22 Thank you very much for coming today. I know you
23 drove a long ways from Joplin. That's a pretty good
24 ride. And you have a safe trip back home, okay?

25 DELEGATE: Thank you.

1 PANEL MEMBER ONE: All right. Mr. [Inmate],
2 I wanted to let you know this for sure. You know, in
3 society, life means life, and so there are people that
4 think you're never, ever going to get out of prison.
5 Not because you have life without parole but because
6 you have a life sentence. But what they don't
7 understand is the structure of the penal system, which
8 means that you have an opportunity to be paroled.

9 So I say that to say this: If you are
10 offered an opportunity at parole, your string to hang
11 yourself, so to speak, would be about that long. You
12 have to do everything almost perfect. Because if you
13 get in trouble again, you're going to come back to
14 prison.

15 And you're 46 now, right?

16 INMATE: Yes.

17 PANEL MEMBER ONE: I couldn't tell you when
18 you'd ever get another opportunity for parole, because
19 you're a big risk for the parole board for safety
20 concerns on the general public. You've actually taken
21 the life of someone. And public has encharged us with
22 their safety, so we have to take everything in
23 consideration.

24 Not saying you won't get paroled. I'm just
25 letting you know everything that needs to be -- you

1 need to be thinking about the bigger picture. This is
2 not just about [Inmate] today, okay?

3 INMATE: Okay.

4 PANEL MEMBER ONE: Now, there's a couple of
5 things that could happen. You could get a parole
6 date. And whatever day you would get, if you got a
7 date, it would be up to you to keep it.

8 Now, right now the way you're conducting
9 yourself in the institution tells us that you could
10 keep it. If you got a date, it'd be best for you to
11 keep it to yourself because there'll be some people in
12 there that are not going to get out that will try to
13 help you stay along with them.

14 And the other thing that could happen is
15 that you could get a setback, which doesn't mean you
16 will never get released. It just means you wouldn't
17 get released at this particular time from this board
18 hearing. You would have another date set for another
19 hearing.

20 Either way, you're still at a better vantage
21 point now than you were just four months ago, because
22 four months ago you didn't even have an opportunity to
23 have a hearing, all right?

24 INMATE: All right.

25 PANEL MEMBER ONE: So want you to take

1 positives out of your parole hearing, not negatives.
2 And in about six to eight weeks we'll get you an
3 answer. It's a majority board decision on whether or
4 not you're going to be released or you'll have another
5 hearing, okay?

6 INMATE: Okay.

7 PANEL MEMBER ONE: So be patient. It could
8 take eight weeks before you get an answer.

9 INMATE: Okay.

10 PANEL MEMBER ONE: All right. This
11 concludes your hearing. Have a good day.

12 INMATE: Okay. You, too. Thank you.

13 PANEL MEMBER ONE: Thank you, ma'am, for
14 coming. You have a safe trip back home, okay?

15 DELEGATE: Thank you, sir.

16 PANEL MEMBER ONE: Okay.

17 DELEGATE: Yes.

18 INMATE: Be safe. I love you.

19 DELEGATE: I will. I love you, too.

20 (Inaudible conversation.)

21 PANEL MEMBER ONE: We clear?

22 PANEL MEMBER THREE: Not yet. Okay.

23 PANEL MEMBER TWO: Heard the door slam.

24 PANEL MEMBER ONE: Ladies, thank you for
25 coming today. Appreciate your input.

1 PROSECUTING ATTORNEY: Thank you.

2 PANEL MEMBER TWO: It was nice to meet both
3 of you.

4 PROSECUTING ATTORNEY: You, too. Same here.

5 PANEL MEMBER TWO: I'm sure probably see you
6 again.

7 PROSECUTING ATTORNEY: Probably be back.
8 Thank you. At least one more time.

9 PANEL MEMBER ONE: And you all have a safe
10 trip back home.

11 PROSECUTING ATTORNEY: Thank you. You, too.

12 PANEL MEMBER ONE: Wow.

13 PANEL MEMBER TWO: Well, it was unnecessary,
14 premeditated.

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REPORTER CERTIFICATE

I, Elizabeth M. Tucker-Gravitz, Certified Shorthand Reporter, Certified Court Reporter, do hereby certify that said Audio-recorded Parole Board Hearing was transcribed by myself, translated and proofread using computer-aided transcription; and the above transcript of proceedings is a true and accurate transcript of my notes of the audio to the best of my ability.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this examination is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Dated December 5, 2017.

Elizabeth M. Tucker-Gravitz, CCR,

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